



## Greyhound Lines, Inc.

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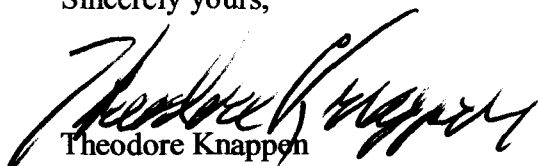
**Re: Federal Motor Carrier Safety Administration Docket No. FMCSA-2004-18898; -8**  
**Comprehensive Safety Analysis 2010 Initiative**

Dear Sir or Madam:

Please accept for filing the attached comments of Greyhound Lines, Inc. in the above-titled proceeding. I would appreciate your stamping and returning the attached self-addressed postcard to evidence receipt of this document. Please contact me if there are any questions about this filing.

Thank you.

Sincerely yours,

  
Theodore Knappen

**DEPARTMENT OF TRANSPORTATION**

DEPT. OF TRANSPORTATION  
DOCKETS

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

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**Docket No. FMCSA-2004-18898; Comprehensive Safety Analysis 2010 Initiative**

**Comments of Greyhound Lines, Inc.**

**October 5, 2004**

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Greyhound appreciates the opportunity to submit comments with regard to ways in which the Federal Motor Carrier Safety Administration (FMCSA) can improve its process of monitoring and assessing the safety of the commercial motor carrier industry and its method of presenting safety information to the public. Greyhound commends FMCSA for engaging in this comprehensive outreach effort, and we hope that the effort will help to accomplish its goal of enhancing motor carrier safety.

Given the continued outstanding safety performance of the intercity bus industry, it is fair to say that the FMCSA safety enforcement effort as it relates to buses has been successful. However, the bus industry is changing dramatically. New, non-traditional carriers are springing up in urban corridors throughout the country and Mexican bus and commercial van companies are expanding cross-border services and will become even more widespread when the NAFTA cross-border provisions are formally implemented. It is important for FMCSA to be aware of these changes and to mold its future enforcement efforts to meet those changes.

Here are Greyhound's responses to the seven questions for discussion listed in the Notice.

**1. How effective is FMCSA's current compliance review process? What is working now? Not working?**

Although Greyhound believes that FMCSA's system of compliance reviews has worked reasonably well in the past, we also believe that there are a number of ways in which the process can be improved to reflect the new realities of the marketplace.

First and foremost, FMCSA should reform the current system so that resources are focused on new and questionable carriers, rather than on well-established carriers with excellent safety records. Greyhound's records show that over the last decade, FMCSA has conducted nine (9) compliance reviews or similarly extensive safety audits of Greyhound. By comparison, we believe that there are many bus companies that over that same period, have never had a compliance review, or have had just one.

There is no reason for this imbalance. Greyhound has consistently been well above average in every safety measurement category, has always had a satisfactory safety rating, has consistently scored well in the compliance reviews, and has consistently maintained a "1" rating from the Surface Deployment and Distribution Command ("SDDC", formerly the Military Traffic Management Command). We are also large, convenient and cooperative, and that makes us an easy target for field personnel.

We believe that our experience is symptomatic of a fundamental problem with the focus of FMCSA's enforcement effort. There should be a restructuring of that effort so that enforcement personnel make their top priority, the investigation of problem carriers and new entrants. Although there have been various statements from FMCSA headquarters

indicating an intent that enforcement will be focused on problem and new carriers, we do not see that intent getting carried out in the field.

This is a particular problem with regard to buses and commercial vans. The Northeast Corridor has been flooded with new entrants that appear to be operating on a shoestring. At the same time, many bus and commercial van operations have sprung up serving points throughout the United States to and from points in Mexico. Although these companies are only authorized by FMCSA to provide charter services, they are, in fact, providing fixed route, intercity services. When the border formally opens to all services, both fixed route and charter, the number of carriers providing cross-border services is likely to increase even further.

Despite the revolutionary changes in the intercity bus and commercial van industry, we do not see any comparable changes in the FMCSA enforcement structure or effort. We firmly believe that these new operators, particularly those that appear to be operating without adequate facilities, should become the focus of the FMCSA enforcement effort. In order to achieve this new focus, FMCSA probably needs to both restructure the field enforcement staff and revise goals and objectives so that the primary attention of enforcement officials is on these new and problem carriers.

Second, Greyhound believes that FMCSA should consider broadening its compliance reviews to consider more than just basic regulatory compliance. The reviews should look at the comprehensiveness of a carrier's overall safety program and the carrier's ongoing

safety oversight activities. This is particularly important because of the new carriers flooding the field. These carriers do not have a long track record of performance, but may also not have a well established safety program, which is needed in order to produce good safety performance. We believe that the Defense Department's carrier review program, operated by the SDDC, may provide some useful guidance in this regard.

Third, FMCSA should consider broadening the rating categories from basically a satisfactory/unsatisfactory system (with a conditional rating somewhere in between) to a more comprehensive rating program, which gives marginal carriers an incentive to improve. Such a graduated rating program could be used to help refocus FMCSA's enforcement efforts on marginal carriers. Here again, the SDDC program may provide some guidance.

Fourth, one way for FMCSA to free up some enforcement resources to concentrate on new and problem carriers would be to adopt a policy of not doing compliance reviews of carriers who have recently received a high rating after an SDDC review. If a carrier has undergone a complete SDDC review and received a rating of 1. or 2., it would make sense for FMCSA not to schedule a compliance review of that carrier for a period of two or three years after the SDDC review.

Fifth, FMCSA should not consider non-safety related complaints as a basis for compliance reviews. We have been told that a reason for doing compliance reviews at Greyhound is a substantial number of customer service complaints such as lost baggage

or rude employees. These issues have nothing to do with safety. Furthermore, even if they were relevant, they have to be considered in the context of the size of the operations.

Finally, compliance reviews should look at actual performance and not only on recordkeeping. For example: in the area of "Accident Frequency Rates", FMCSA should go back to looking at the "Preventable" accident rate and not at the "overall" rate (which includes non-preventables). This will focus on collisions in which the carrier's driver was deemed to not be following prudent driving behaviors and will give the FMCSA an opportunity to validate the carrier's accident investigation/rating methodologies/processes.

**2. What alternative methods should FMCSA consider for determining carrier safety fitness and for addressing unsafe behaviors?**

First, Greyhound believes that FMCSA should require a carrier to prevent a driver from driving for the periods prescribed by section 383.51 of the FMCSR if the carrier receives credible information that the driver has been convicted of multiple serious safety violations. Currently, only a state is required to disqualify an unsafe driver, but under the current rules, states rarely, if ever, issue disqualifications for serious traffic violations. If a carrier were required to prevent an unsafe driver from driving, it would do so.

Second, on a related issue, there needs to be a notification system whereby states notify the carrier on whose behalf a driver is operating when a citation is issued to that driver

for a traffic violation, DOT log violation, etc.. Drivers do not always self-report such violations, and thus carriers are often unaware of unsafe driver behavior.

Third, Greyhound believes that FMCSA should consider reducing the focus of the MCSAP program on vehicle inspections and increasing the focus on traffic enforcement. Of course, vehicle maintenance is important, but driver behavior is much more likely to be the cause of accidents. The focus should be on reducing driver behavior that violates safety laws.

Fourth, FMCSA should consider prohibiting states from using MCSAP funds to conduct roadside inspections of passenger-carrying commercial motor vehicles, except when there is an obvious safety hazard that is an imminent danger to the passengers or other vehicles. The vast majority of states conduct bus inspections at terminals, garages, destinations, border crossings, or other similar locations. They understand that bus roadside inspections are unnecessary due to the numerous public locations where buses can be found and inspected. They also understand that roadside bus inspections are dangerous and inconvenient to the passengers. FMCSA should ban the use of any MCSAP funds to conduct roadside bus inspections.

**3. What should be the focus of FMCSA's safety analysis process? Motor carriers? Drivers? Owners? Other people or entities associated with safety?**

More attention should be paid to ownership and control. Particularly among marginal carriers, some owners simply change company names or structures when losing insurance or getting unsatisfactory safety ratings. At least some of the new passenger carriers that

we referred to in response to question 1. above set up multiple operating entities, which enable them to keep operating if one entity gets in trouble. We believe FMCSA should be very aggressive in limiting the ability of owners with a pattern of misconduct to continue to operate through a new or different corporate shell.

**4. Should FMCSA present its safety evaluations to the public? How?**

FMCSA currently makes available its safety ratings on its website. If FMCSA went to a graduated ranking system as we have recommended above, those graduated rankings would be more meaningful to the public than satisfactory/unsatisfactory. Publication of the underlying reviews themselves would be more problematic. It is important for those reviews to be as complete as possible so that they can help the carrier with corrective action. Publication of those reviews might lead reviewers to be less complete in their written reviews.

**5. What should be the key attributes of a program to assess motor carrier safety?**

Key attributes should include a system for identifying the problem carriers and new entrants and making them the highest priority for reviews and enforcement efforts.

The system also should have a mechanism for ensuring that carriers actually have the proper authority for the service they are providing. For example, many passenger carriers are operating fixed route service under a charter certificate. This enables them either to provide service that they otherwise could not provide (NAFTA cross-border operations) or to potentially get cheaper insurance, which may not cover fixed route services.



Another key attribute for a program to assess motor carrier safety is better coordination among all state and federal enforcement agencies. Finally, we believe that upgrades in the system for training and qualifying the medical examiners who give commercial driver physical examinations are long overdue.

**6. How should safety be measured?**

Accidents per million miles operated and driver and vehicle out of service rates are good indicators of safety performance and attention to safety. Regulatory compliance, as evidenced by compliance review results, can also be a good indicator, although it would be even better if there were a graduated rating system.

**7. What compliance and enforcement tools are most effective?**

Placing carriers out of service is the most effective, and arguably among new and problem carriers, the only effective mechanism. However, even this is not an effective tool unless there is a system for tracking unfit owners continuing to operate under a new name. Civil penalties also can have some effect in most cases, but in the case of habitual problem carriers and/or owners, complete shut down of service and/or criminal penalties must be utilized if effective action is to be taken.

Greyhound appreciates the opportunity to present comments on this important subject.